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Diaz, Burns and Clark

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

DORA SOLARES,

Plaintiff,

v.

RALPH DIAZ, et al.,

Defendants.

Case No. 1:20-cv-00323-NONE-BAM

**NOTICE OF MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

Date: July 17, 2020
Time: 9:00 a.m.
Courtroom: 8, 6th Floor
Judge: The Honorable Barbara A. McAuliffe
Trial Date: Not set
Action Filed: March 2, 2020

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on July 17, 2020, at 9:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 8 of the above entitled court, located at 2500 Tulare St., Fresno, CA 93721, before the Honorable Barbara A. McAuliffe, Defendants Diaz, Burns, and Clark will move, under Federal Rules of Civil Procedure 12(b)(6) and 12(b)(7), for dismissal of Plaintiffs' complaint on the grounds that (1) Plaintiff fails to allege sufficient facts to state a claim; (2) Defendants are entitled to sovereign immunity from Plaintiff's claims; (3) Defendants

1 are entitled to qualified immunity from Plaintiff's claims; (4) Defendants are entitled to statutory
2 immunity from Plaintiff's claims; and (5) Plaintiff has failed to join a required party.

3 The motion is based on this notice, the memorandum of points and authorities and all
4 documents attached thereto, the pleadings, records and files in this action, and such other matters
5 as may properly come before the Court.

6 Dated: May 21, 2020

Respectfully submitted,

7 XAVIER BECERRA
8 Attorney General of California
9 JON S. ALLIN
10 Supervising Deputy Attorney General
11 ALLISON LOW
12 Deputy Attorney General

/s/ Jeremy Duggan

13 JEREMY DUGGAN
14 Deputy Attorney General
15 *Attorneys for Defendants*
16 *Diaz, Burns and Clark*

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